

AGENDA ITEM #5
March 18, 2007

Introduction

MEMORANDUM

March 13, 2007

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney JZ^{up}

SUBJECT: Introduction – Zoning Text Amendment 08-04
Accessory Structures – Solar Panels

Zoning Text Amendment (ZTA) 08-04 is being sponsored by Councilmember Berliner to allow solar panels in residential side yards if the distance between the main building and the side lot line is not less than 70 feet, the distance between the side lot line and the structure is no less than 50 feet, and the height of the structure is less than 20 feet.

A public hearing on ZTA 08-04 is scheduled for April 22, 2008 at 1:30 p.m.

Zoning Text Amendment No: 08-04
Concerning: Accessory Structures –
Solar Panels
Draft No. & Date: 1 -3/6/08
Introduced: March 18, 2008
Public Hearing: April 22, 2008
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow certain accessory structures in the side yard of one-family residential zones;
and
- generally amend the standards related to accessory structures in one-family
residential zones.

By amending the following section of the Montgomery County Zoning
Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-1. "RESIDENTIAL ZONES, ONE-FAMILY"
Division 59- C-1.32. "Development standards."

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
*Underlining indicates text that is added to existing laws
by the original text amendment.*
*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*
*Double underlining indicates text that is added to the text
amendment by amendment.*
*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-C-1 Residential Zones- One-family is amended as follows:

Division 59- C-1.32. Development standards.

In addition to the following, the regulations in sections 59-C-1.34, 59-C-1.35 and 59-C-1.36 shall apply:

* * *

	RE-2	RE-2C	RE-1	R-200	R-150 ³	R-90	R-60	R-40 ²	R-4 plex	RMH 200
<p>59-C-1.326. Yard Requirements for an Accessory Building or Structure (in Feet)⁷.</p> <p>(a) For all lots.</p> <p><u>(1) Except as provided for in subsections (2), an [An] accessory building or structure must be located in a rear yard and must not occupy more than 20 percent of the rear yard.</u></p> <p><u>(2) If the main building is setback no less than 70 feet from a side lot line, an accessory structure used to generate electricity from solar energy may be located within that 70 foot setback if the structure is:</u></p> <p><u>(A) located no less than 50 feet from a side lot line;</u></p> <p><u>(B) less than 20 feet in height; and</u></p> <p><u>(C) the structure satisfies the street line and rear lot line setbacks under subsection (3).</u></p>										

[(2)] (3) An accessory building or structure must be set back from the lot lines with a minimum setback as follows:										
(A) From the street line:	80	80	80	65	65	60	60	60		65
(B) From a rear lot line:	10	10	10	7	7	5	5	5		7
(C) From a side lot line:	15	15	15	12	12	5	5	5		12
(D) From a national historical park boundary line unless the accessory structure on the lot or tract is exempted under Sec. 59-B-2.1 ¹⁰ .	200	200	200							
[(3)] (4) For any accessory building or structure in the zones indicated thus (*) with a height greater than 15 feet, the side yard and rear yard minimum setback must be increased from the requirements in [(2)] (3) above at a ratio of 2 feet of additional setback for each foot of height in excess of 15 feet.						*	*	*		
[(4)] (5) For any accessory building or structure, except a swimming pool, as defined in 59-A-2.1, in the zones indicated thus (*) with a length along a rear or side						*	*	*		

property line which has a linear dimension greater than 24 feet, the minimum setback from that rear or side property line must be increased from the requirement in [(2)] (3) above at a ratio of one foot for every 2 feet that the dimension exceeds 24 linear feet.										
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Sec. 2. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Resolution No:
Introduced: March 18, 2008
Adopted: March 18, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: Councilmember Berliner

Subject: Notice of Public Hearing on Zoning Text Amendment 08-04

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 08-04, introduced on March 18, 2008 would amend the Zoning Ordinance to:
 - allow certain accessory structures in the side yard of one-family residential zones; and
 - generally amend the standards related to accessory structures in one-family residential zones.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on April 22, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council